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In Re:

Todd S Cushner,

Debtor(s).

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Case No. 23-10109

Chapter 13

NARRATIVE IN SUPPORT OF CERTIFICATION OF
COUNSEL FOR FEES

HEARING DATE: June 13, 2024 @ 10:00

JUDGE: Hon. John K Sherwood

JENEE K CICCARELLI, ESQ., hereby certifies that:

1. I am the attorney representing the Debtor, Todd Cushner, ("Debtor"), in this Chapter 13 proceeding.
2. I make this certification in support of the application for Chapter 13 fees to be paid through the Debtor's Plan. All the work expended was necessary to successfully stop the levy on the Debtor's business, negotiate with the creditors, and confirm the Plan. The time entries are true and accurate.
3. An initial payment of \$3,500.00, including costs, was paid to this Firm pursuant to the original retainer agreement between the Debtor and his/her counsel. Any additional fees incurred by this Firm were to be paid through the Debtor's Plan pursuant to the retainer agreement.
4. Time spent on Debtor's case was to be billed hourly starting in January 2023 with attorney time billed at \$450.00 per hour and administrator time billed at \$195.00 per hour. Any work that would typically be done by administrators or paralegals but completed by me **or** completed by paralegals are charged at the administrator's rate. In addition, the Firm frequently did not bill telephone calls with the client and "N/C" no-charged for email communications and de-minimis or duplicative work.

5. The Debtor's case has been pending pre-confirmation for 16 months. The long length of time to confirmation was a result of Plan objections by the Debtor's top creditors. Debtor filed an Adversary proceeding seeking discharge of the student loan debt – debtor made payments on his student loans for over 20 years and Debtor meets the criteria for a presumption of discharge under the federal guidelines due to his age (the balance of Debtor's student loan debt despite 20 years of payment is almost \$100,000); Adversary resulted in a transfer of the loans and a resolution by which Debtor is submitting an application of discharge for student loans to be completed outside of the bankruptcy,
 - a. Debtor filed a motion to reduce the proof of claim filed by Creditor Garvey.
 - i. Motion resulted in the avoidance of further Plan objections, 2004 Subpoena and other discovery costs; resolution resulted in a Plan modification.
 - b. Debtor defended a Motion for Relief from Stay that successfully resolved which kept the stay on the Debtor's home protected.
6. The Plan was modified 5 (five) times prior to Confirmation on the following dates for the following reasons that directly resolved Plan objections:
 - a. June 19, 2023 - Reflect the terms of the Resolution of Trustee's Plan objection.
 - b. July 10, 2023 - to correct Plan payment; fees N/C.
 - c. December 6, 2023 - to reflect the terms that resolved Creditor Garvey's objection and unsecured creditor's objection re: Student Loans.
 - d. March 6, 2024 - Modified Plan to add Loss Mitigation for first mortgage Shellpoint.
 - e. April 19, 2024 - modified Plan after denial of Loss Mitigation to add post roll-in cure to resolve the pending Motion for Stay Relief.
7. The calculation of fees is set forth as follows:
 - a. \$15,489.00 in legal and administrative fees billed at \$450.00 and \$195.00 per hour, respectively, and \$845.38 in expenses, for a total of \$16,334.38, less the initial base fee of \$3,500.00, results in a balance of \$12,834.38. As a courtesy, although numerous over the course of the case, counsel has not charged the Debtor for most email communications.
 - b. Debtor's Confirmation Hearing is scheduled for May 23, 2024. It is anticipated that Debtor's Plan will be confirmed.
8. I therefore respectfully request allowance of my fees for professional services as provided for in the initial retainer agreement. Jenée Ciccarelli's time is billed out at \$450.00/hr., paralegal's time is billed at \$195.00/hr.

I HEREBY CERTIFY that the foregoing statements to the best of my knowledge, information and belief are true and correct. I am aware that if any of the foregoing is willfully false, I am subject to punishment for perjury.

/s/ Jenée Ciccarelli
Jenée Ciccarelli, Esq.
Attorney for Debtor

DATED: May 7, 2024